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**REMARKS**

Applicants petition the Office for a two month Extension of Time Under 37 CFR 1.136(a) since the time period set to reply ended August 5<sup>th</sup>, 2005. Applicants authorize the Office to charge its deposit account, 23-1660, for the amount set forth in 1.17(a) (2)).

Claims 1-20 are pending in this application. Applicants believe claims 1-7, 9-15 and 17-20 have been rejected and claims 8 and 16 have been objected to. The official Office Action Summary sheet indicates that claims 1-7, 9-15 and 17-20 are allowed, but Applicants assume this is a typo. Applicants appreciate the Examiner's indication that claims 8 and 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, although Applicants have not amended the claims as such.

Claims 1-20 have been amended, but only claims 1 and 9 have been substantively amended. Claims 2-8 and 10-20 have been amended to replace to the term "said" with the term "the".

Applicants believe the amendments made herein add no new matter. For example, the claim language added to claim 1 can be found generally in paragraphs 0007 - 0012 and the claim language added to claim 9 can be found in paragraph 0019. Reconsideration and reexamination of the application is respectfully requested in view of the amendments and the following remarks.

**Claims Rejections - 35 U.S.C. § 102**

Claims 1, 4-7, 9 and 12-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dayton, U.S. Patent No. 2,645,110. The Examiner states that Dayton discloses a first clutch (61), second clutch (26), first shaft (18), second shaft (33, 45) and a planetary mechanism (30) with a sun gear (44), where there is provided a first and second rotational speed, the first and second torque is deemed inherent. Applicants respectfully traverse this rejection.

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**Independent claim 1 recites:**

A drive mechanism for a vertical axis automatic washer, the washer having a rotatable wash basket, a rotatable agitator concentrically mounted in the wash basket and a drive motor, said drive mechanism comprising:  
a first drive shaft driven by the motor at a first rotational speed and with a first torque,  
a second drive shaft arranged to rotatably drive the agitator,  
a mechanism arranged between the first drive shaft and the second drive shaft to convert the first rotational speed and first torque to a second rotational speed and a second torque at the second drive shaft,  
a first clutch arranged between the wash basket and the first drive shaft to allow for selective engagement and disengagement between the wash basket and the first drive shaft,  
a second clutch arranged between the wash basket and the second drive shaft to allow for selective engagement and disengagement between the wash basket and the second drive shaft, wherein the drive mechanism is configured to effect higher speed and lower torque during a water extraction mode and lower speed and higher torque during an agitation mode.

**Independent claim 9 recites:**

An automatic washer comprising:  
a rotatable wash basket,  
a rotatable agitator concentrically mounted in the wash basket,  
a drive motor,  
a first drive shaft driven by the motor at a first rotational speed and with a first torque,  
a second drive shaft arranged to rotatably drive the agitator,  
a rotatably mounted spin tube arranged concentrically around the second drive shaft,  
a mechanism arranged between the first drive shaft and the second drive shaft to convert the first rotational speed and first torque to a second rotational speed and a second torque at the second drive shaft,  
a first clutch arranged between the wash basket and said first drive shaft to allow for selective engagement and disengagement between the wash basket and the first drive shaft,  
a second clutch arranged between the wash basket and the second drive shaft to allow for selective engagement and disengagement between the wash basket and the second drive shaft.

Applicants cannot find any teaching or suggestion of several of the elements recited in the independent claims. For example, Applicants can find no teaching or suggestion of a first torque and second torque as recited in independent claims 1 and 9. The indication that the first torque and second torque are inherent in the Dayton reference, without providing further rationale or evidence is not sufficient to establish the inherency of that characteristic with respect to Applicants claims. *See MPEP Section 2112(iv)*. To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary

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skill. Inherency, however, may not be established by probabilities or possibilities. In this case, the Examiner points to col. 3, lines 34-47 to show there is provided a first and second rotational speed, and therefore a first and second torque is inherent. Torque is a function of force, not speed. Since force and/or torque are not mentioned in the Dayton reference, Applicants do not believe a teaching of first torque and second torque as recited in independent claims 1 and 9 is inherent in the Dayton reference.

Additionally, Applicants cannot find any teaching or suggestion of a drive mechanism configured to, among other things, effect higher speed and lower torque during a water extraction mode and lower speed and higher torque during an agitation mode as recited in independent claim 1. In sharp contrast, the Dayton reference teaches at column 3, lines 34-46 that upon energization of the motor 15 the shaft rotates at full motor speed and drives the main clutch drive plate 25 through the medium of gears 22 and 23. By choosing gears of proper relative size the rotational speed of the clutch drive plate may be chosen according to the rotational speed desired for water extraction during the spin cycle. As shown in Fig. 2 the gear 23 is about twice the size of the pinion 22 and consequently a speed reduction of approximately one-half is provided. In other words, the Dayton reference teaches to reduce the speed of the clutch drive plate for water extraction, rather effect a higher speed and lower torque during a water extraction mode as recited in independent claim 1.

With respect to claim 9, Applicants cannot find any teaching or suggestion of an automatic washer comprising, among other elements, a first drive shaft driven by the motor at a first rotational speed and with a first torque, a second drive shaft arranged to rotatingly drive a agitator, and rotatably mounted spin tube tube arranged concentrically around the second drive shaft. In contrast, Dayton discloses a shaft 18 and a second shaft 45, and a non-rotatably mounted sleeve 33 mounted on the upper end of the gear casing 27. *Column 3, lines 61-65.*

Since independent claims 1 and 9 contain limitations not taught or suggested by the

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prior art, independent claims 1 and 9 are not anticipated by this prior art reference.

Additionally, since claims 4-7 and 12-15 depend from and include the same distinctive features of one of claims 1 and 9, these claims are also not anticipated by the Dayton reference.

Accordingly, Applicants respectfully submit that this rejection has been overcome.

Reconsideration is respectfully requested.

**Claims Rejections - 35 U.S.C. § 103**

Claims 2, 3, 7, 10, 11, 15 and 17-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dayton, U.S. Patent No. 2,645,110. It is stated that claims 2, 3, 7, 8, 10, 11, 15 and 17-20 define over Dayton only in the recitation of the specific connections employed and therefore is deemed an obvious substitution of equivalents. Applicants respectfully traverse this rejection.

Claims 2, 3, 7 and 8, depend from independent claim 1 and claims 11 and 15 depend from independent claim 9. To establish prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In Re Royka*, 490 F.2d 980; 180 U.S.P.Q. 580 (CCPA 1974). In this case, to support a single reference obviousness rejection, all claim limitations must be taught by the Dayton reference. Here, as previously indicated, independent claim 1 and 9 contain limitations not taught or suggested by the Dayton reference. Accordingly, Applicant's respectfully submit that this rejection has been overcome.

Reconsideration is respectfully requested.

With respect to independent claim 17 and dependent claims 18-20, Applicant's disagree with the Examiner's assertion that the elements recited in claim 17 are only an obvious substitution of equivalents of the Dayton reference. In order to rely on equivalence as a rationale

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supporting an obviousness rejection, the equivalency must be recognized in the prior art, and cannot be based on Applicant's disclosure or the mere fact that the components at issue are functional or mechanical equivalents. In this case, claim 17 recites a combination of elements not found in the Dayton reference, including, but not limited to, a planetary gear arrangement arranged between the first drive shaft and the second drive shaft to convert the first rotational speed and first torque to a second rotational speed and second torque, a spine clutch arranged between the wash basket and first drive shaft, and a tang clutch arranged between the wash basket and second drive shaft. No other prior art references are cited. Accordingly, Applicants do not believe the equivalency is recognized by the prior art, and as such, the elements recited in independent claim 17 are not an obvious substitution of equivalents of the Dayton reference. Applicant's respectfully submit that this rejection has been overcome. Reconsideration is respectfully requested.

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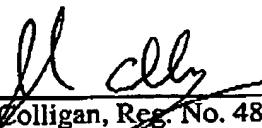
**CONCLUSION**

For the reasons discussed above, claims 1-20 are in condition for immediate allowance.

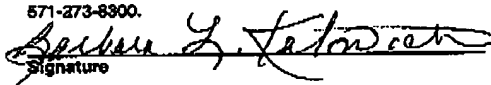
It is respectfully submitted that all of the pending claims in the application are allowable over the prior art of record. Early notification of allowability is respectfully requested.

Respectfully submitted,

Dated: September 15, 2005

  
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Date: <u>September 15, 2005</u>	 _____ Barbara L. Katowich (type or print name of person certifying)